

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LES JANKEY, et al.,

No. C-08-2733 MMC

Plaintiffs,

**ORDER DIRECTING PLAINTIFF TO  
SHOW CAUSE WHY ACTION SHOULD  
NOT BE DISMISSED FOR FAILURE TO  
PROSECUTE**

v.

FIVE HAPPINESS RESTAURANT, INC., et  
al.,

Defendants.

By order filed May 30, 2008, the parties and counsel were directed to conduct a joint inspection of the premises at issue herein and to do so no later than September 8, 2008. (See Scheduling Order for Cases Asserting Denial Of Right to Access Under Americans With Disabilities Act Title III.) Further, plaintiffs were ordered to file, no later than 45 days after the joint site inspection, a Notice of Need for Mediation. (See id.) To date, plaintiffs have not filed a Notice of Need for Mediation.

Accordingly, plaintiffs are hereby ORDERED TO SHOW CAUSE, in writing and no later than November 14, 2008, why the above-titled action should not be dismissed for failure to prosecute. In the event plaintiffs file a Notice of Need for Mediation on or before November 14, 2008, this Order to Show Cause will stand discharged without further order of the Court.

**IT IS SO ORDERED.**

Dated: October 31, 2008

  
MAXINE M. CHESNEY  
United States District Judge